IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

WRIT PETITION NO.814 OF 2006

Shri Ranchodbhai P.Patel .... Petitioner

versus

The State of Maharashtra & ors.. Respondents

Mr.R.R.Patil, Advocate for Petitioner

Ms.S.D.Shinde, A.P.P. for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 18th August, 2006

ORAL ORDER :

1. Heard.

2. The petition has been filed by the complainant who is aggrieved by the manner in which the

investigation has been conducted in Crime No.622 of 2004 registered on 14th December, 2004 against the accused for having committed offences under sections 143, 144,145,148,149,447,341, 342,363,427, 506 and 395 by the D.C.B.C.I.D.Mumbai.

3. We have heard the petitioner and the learned A.P.P. at length. Prima facie, we are of the view that as the D.C.B.C.I.D.Mumbai has already filed the charge sheet in Court, the trial Court is competent enough to consider the grievances of the petitioner.

4. In so far as the contention of the petitioner that while filing the charge sheet, the D.C.B.C.I.D. has dropped the name of one of the accused by name Atul Patel, it is a matter of record that the witnesses whose statement came to be recorded during the course of investigation, speak about the complicity of Atul Patel and therefore the trial Court at appropriate stage of trial can very well issue warrant against the said Atul Patel if he is found to be involved in the case and deserves to be tried as an accused.

5. In so far as the apprehension on the part of

the petitioner is concerned that in case of one of the wanted accused Iqbal Attarwalla, the State is not taking any steps to cause his arrest inspite of the fact that he keeps on visiting India and is reported to be in Dubai and a red corner notice is also issued for his arrest by the Interpol, in addition to another wanted accused by name Chota Shakil.

6. The learned A.P.P. has brought to the notice of this court that in order to arrest the wanted accused, the State has taken all necessary steps and they have been proclaimed offenders who are absconding and their properties have been attached. Therefore, in the facts and circumstances of the case, no purpose would be served in directing re-investigation of the matter by handing it over to the C.B.I.

7. Learned counsel for the petitioner submits that he should be granted liberty to approach the trial Court in the matter as observed by this Court and pursue the trial. We therefore, dispose of this petition as not pressed.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**